

REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 13, 16, and 18 will have been amended and submitted for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejection of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

However, Applicant has filed Information Disclosure Statements in the present application on December 1, 1999, June 14, 2000, February 9, 2001, and June 24, 2002. Further, while the PTO-326 cover sheet of the Office Action mailed on August 4, 2003, indicated that a number of PTO-1449 Forms were attached thereto, initialed and signed copies of the PTO-1449 Forms which were indicated as attached to the above-noted Information Disclosure Statements have in fact not been received. Accordingly, Applicant requests that the Examiner send copies of the signed PTO-1449 Forms to Applicant.

Turning to the merits of the action, the Examiner has responded to the arguments filed on October 29, 2003 by asserting that with respect to lines 10-17 on page 8 of the arguments, the Applicant was arguing about something that is not in the amended claims. By the present amendment, Applicant respectfully notes that Applicant has amended claims 13, 16, and 18, to indicate what are the capabilities.

The Examiner has objected to claims 13 and 18 due to informalities. By the present amendment, Applicant has corrected these informalities. Thus, Applicant respectfully requests that the Examiner withdraw the objections

The Examiner has rejected to claims 13-18 under 35 U.S.C § 103(a) as being unpatentable over OHNISHI et al. (U.S. Patent No. 5,655,152) and further view of OHTO et al. (U.S. Patent 5,864,673).

As noted above, Applicant has amended and submitted claims 13, 16, and 18 for reconsideration. Applicant respectfully traverses the above rejection based on these amended claims 13-18 and will discuss the rejection with respect to the pending claims in the present application as will be set forth hereinbelow. The amended claims merely clarify the subject matter recited in the canceled claims, but do not raise new issues.

Applicant's claims 13-15 relate to an image communication apparatus connected with a receiving facsimile via a server apparatus on the Internet. The image communication apparatus is configured to communicate with first and second servers. The image communication apparatus also obtains, from the second server apparatus, capabilities regarding facsimile data that the receiving facsimile can receive and stores the obtained capabilities of the receiving facsimile in the first server apparatus, when the first server apparatus is determined not to store the capabilities of the receiving facsimile. Further, the capabilities of the receiving facsimile includes one of resolution, a paper size, a compression format, and a encryption format that are utilized for a facsimile communication. Claim 18 recites a related method.

Applicant's claims 16-17 relate to a server apparatus connected with a transmitting facsimile and a receiving facsimile via the Internet. The server apparatus, inter alia, obtains the capabilities of the receiving facsimile from another server apparatus that stores the capabilities of the receiving facsimile, when the capabilities of the receiving facsimile are not stored in the memory and when the transmitting facsimile inquires regarding the capabilities of the receiving facsimile. Further, the capabilities of the receiving facsimile includes one of resolution, a paper size, a compression format, and a encryption format that are utilized for a facsimile communication.

On the contrary, OHNISHI et al. discloses a system in which a client utilizes printers and facsimiles that are connected to a server. The client can request the server to transmit, to the client, a correspondence table 930 stored in the server and to update the correspondence table 930 stored in the server. However, OHNISHI et al. does not relate to a facsimile communication as cited in the present claims. The correspondence table 930 of OHNISHI et al. also does not store information regarding resolution, a paper size, a compression format, and a encryption format that are utilized for a facsimile communication as cited in the present claims.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-18 are not disclosed in OHNISHI et al. cited by the Examiner.

OHTO et al. relates to a terminal device and a relaying device that transmit a multimedia document consisting of different media attributes, such as audio data, character data, still image data, motion picture and hand-written data. The terminal device

communicates not only with a facsimile but also a telephone, a digital mobile telephone, PHS, and so on. The terminal device does not store capabilities regarding facsimile data that the receiving facsimile can receive, such as e.g. a compression format, a paper size and resolution, but stores information regarding to which group a terminal device belongs. For example, the group " C " has a telephone and a facsimile as terminal devices (col. 20 lines 15-29). This information does not include capabilities of the receiving facsimile e.g. a compression format, a paper size and resolution that are utilized for a facsimile communication.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-18 are not disclosed in OHTO et al. cited by the Examiner. The pending claims are submitted to be patentable over the Examiner's proposed combination, since neither of references OHTO et al. and OHTO et al. discloses the combination of features recited in Applicant's claims 13-18. Additionally, there is no proper motivation for the proposed combination.

Further, Applicant wishes to make of record a telephone interview conducted on February 11, 2004 during which the above-noted amendments were proposed and discussed. The Examiner promised to fully consider the response and the amended claims upon receipt.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

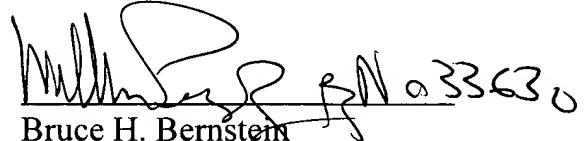
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled the rejected claims and has submitted new claims for consideration by the Examiner. With respect to the new claims, Applicant has pointed out the features thereof and has contrasted the features of the new claims with the disclosure of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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February 26, 2004
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